# Equal opportunities for all? Gender Politics in the Czech Republic

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The Czech Republic (CR) joined the European Union (EU) in May 2004 after several years of sustained effort to meet the conditions set out for the candidate countries. Gender equality was supposed to be one of them. Since then, it should be an integral part of the Czech government's (the government) agenda as it is one of the stated priorities of the EU's social policy<sup>1</sup>. The CR has, therefore, at least eight-year history of implementation of gender policies and as the year 2007 was officially designated the "European Year of Equal Opportunities for All" by the European Council and the Parliament, it is a good opportunity to evaluate the progress that has been made.

In this paper, I shall briefly sketch the history of gender equality efforts in the CR, introduce an institutional mechanism supporting the implementation of the gender equality policy, discuss key strategic documents, and evaluate the government's performance. I shall also look at the impact of the EU membership, particularly European Structural Funds (ESF).

## The governments' equal opportunity efforts

Based on the available evidence, it is safe to say that the government showed no interest in gender equality until 1998. This does not mean, however, that there were no initiatives in this area. There were some, but they were not carried out or initiated by the state.

In fact, some "women"<sup>2</sup> NGOs were founded as early as 1992 (Gender Studies, ProFem)<sup>3</sup>. Since then, many others came to existence covering issues ranging from violence against women (Electra, ROSA) and trafficking in women (La Strada) through promoting the right of women to choose the method, place and type of obstetric services (Aperio) to advocating equal opportunities in the labor market (Association for Equal Opportunities of Women and Men, Czech branch of Women's Lobby) and equal representation in politics (Forum 50%). However, women NGOs struggled with little or no financial support from the government up until 2004. The support came from abroad (e.g. Heinrich Böll Stifftung, Open Society Fund Prague or Ford Foundation).

As far as the government is concerned, the policy has been to help and listen only to NGOs that deliver services that it is accountable for but fails to provide or to those that have special connections to individual state bureaucrats. In other words, the approach

<sup>&</sup>lt;sup>1</sup> Actually, it was supposed to be on the Czech governments' agenda ever since it signed the UN's *Convention on the Elimination of All Forms of Discrimination against Women* in March 1982, but they could not care less until the EU candidacy made it relevant.

<sup>&</sup>lt;sup>2</sup> By this I mean NGOs advocating women's human rights, organizing women's education, carrying out equal opportunity project, or lobbying on behalf of women.

<sup>&</sup>lt;sup>3</sup> The Gender Studies Foundation was officially founded on August 24, 1992 (the name later changed to Gender Studies).

has been selective and non-transparent. Even then, the support has been modest. Truly activist women NGOs, which subscribe to the feminist principles and which focus on the key issues such as power-sharing, are routinely left out of the loop. The situation has changed somewhat after joining the EU and availability of money from the ESF, but it is no less problematic (see below).

It was only in 1998 that the government led by the Czech Social Democratic Party (CSSD<sup>4</sup>) charged the Ministry of Labor and Social Affairs (MLSA) with coordinating the interstate equal opportunity<sup>5</sup> policy and outlining its concrete form. The immediate reason was the need to elaborate a *National Report on the Implementation of the Beijing Platform for Action* which was due. However, more important motivation was probably the need to comply with *Acquis Communitarie* in order to meet the EU pre-accession criteria.

With that in mind, a Division for Equality of Men and Women (DEMW) was established in the MLSA's Department of Foreign Affairs in February 1998. It was to consist of three people<sup>6</sup> and it was supposed to coordinate the whole government's equal opportunity policy (!).

It is worth noting that the DEMW is located on the lowest institutional level and in the Department that is not responsible for any concrete substantive-policy area. It also does not have any policy instruments to enforce the agenda within the MLSA, not to speak about the whole state administration. Within the MLSA, its success has been contingent on personal contacts and goodwill of friendly staff. Coordination on the governmental level depends on personal networks of gender focal points (see below) in individual Ministries.

The lack of policy instruments is paralleled by the lack of resources both human and financial. It was already mentioned that there are five people working in the DEMW and the employee turnover is relatively high. Previous gender training or experience with promoting gender equality is not required of new staff. No financial resources were earmarked for advancing gender equality by the DEMW until 2002 (National report, 2002) and since then, rather insignificant amounts have been allocated from the MLSA's budget on an irregular basis<sup>7</sup>.

Still in 1998, the first head of the DEMW, Stanislava Horska, single-handedly drafted *Priorities and Procedures of the Government in Promoting the Equality of Men and Women (Priorities)*, which was supposed to be the key "strategic" document outlining the government's agenda in the field of gender equality. The government's performance with respect to set goals is "evaluated" each May in *Summary Reports on implementing* 

<sup>&</sup>lt;sup>4</sup> Česká strana sociálně demokratická – ČSSD.

<sup>&</sup>lt;sup>5</sup> While I prefer "gender equality" as a broader concept, the government usually uses "equal opportunity".

I shall, therefore, use the government's language when it is appropriate.

<sup>&</sup>lt;sup>6</sup> The number was expanded to five in Summer 2002

<sup>&</sup>lt;sup>7</sup> The largest amount of about 106,500 EURO was allocated in 2005, i.e. roughly 0.001 % of the MLSA's budget.

the Priorities and Procedures of the government in promoting the equality of men and women (Summary Report). On that occasion, the Priorities are updated and a few new measures are usually added.

Between 1998 and 2004, the focus of the DEMW's work was the implementation of the *Acquis* and thanks to a resourceful use of the "accession" argument, i.e. that implementation of the Acquis was the fundamental precondition for the accession, significant progress was achieved in this area. By 2005, most of the EU directives pertaining to gender equality were incorporated in the Czech legislation. However, the most progressive law on the books is worthless if it is unenforceable and this is definitely the current state of affairs with respect to the gender-equality legislation in the CR (see Havelkova, 2007). It is no surprise that only one case of sex discrimination was brought up to the court so far.

In 1998, the DEMW also initiated establishment of the Inter-Ministerial Commission on Equal Opportunities of Men and Women (ICEO), which was supposed to help facilitate its coordinating function. However, since individual ministers appointed to the ICEO people with no knowledge of gender or equality issues, the commission basically functioned as a training seminar for the members.

The situation has changed little in the new millennium. The first DEMW's head and gender equality activist Mgr. Horska retired in August 2000 and Mgr. Dagmar Zelenkova was appointed at her place. A career bureaucrat, Zelenkova, had no previous knowledge or experience with gender equality issues. She is also no activist. Her performance suggests that she might have been appointed precisely for that reason. In any case, for the past several years, the DEMW's activities have been very limited and it definitely has not taken initiative with respect to promoting gender equality policies.

The last change of the institutional mechanism, so far, came in December 2001 when the Government's Council for Equal Opportunities of Women and Men (CEOP) was created and each ministry was charged with appointing the so-called Gender Focal Point (GFP) (half-appointment devoted to gender equality). The CEOP was supposed to be chaired by the Minister of Labor and Social Affairs and it was to be composed of state representatives appointed on the deputy-minister level, representatives of social partners, representatives of women NGOs and one gender expert. The today's Commissioner for Employment, Social Affairs and Equal Opportunities, Vladimir Spidla, became the first chair as he acted as the Minister of Labor and Social Affairs and the First Deputy-Prime Minister at the time.

In spite of the fancy name and deputy-minister appointments, the CEOP has not carried much weight. First, it is conceived of as yet another government's advisory body; i.e. it does not have any policy instruments to enforce implementation of gender policies. It may discuss and recommend, but that is about it. Second, there is little to suggest that

the appointed Deputy Ministers have any knowledge of gender issues. Apparently, being a senior state official automatically qualifies one to become an equal-opportunity expert. It seems that the CEOP was again to function as a training seminar, but Deputy Ministers seldom showed up for classes sending instead their respective GFPs<sup>8</sup>. Third, Spidla was replaced by M.P. Jana Wolfova (CSSD) in March 2002, who was succeeded by M.P. Anna Curdova (CSSD) still in 2002. The replacement was a violation of the Council's statutes, but more importantly, it undoubtedly lowered the CEOP's political profile and influence. The CEOP's impact seems negligible. It proposed only a handful of recommendation to the government, which did not have any visible effect.

The appointment of GFP has not made much difference either. First, some ministries did not even bother to appoint a GFP until the end 2002<sup>9</sup>, some waited even later. The majority of the appointed had no knowledge of gender issues and within a year, at least four of the GFPs left their jobs. Second, GFPs are supposed to coordinate the gender equality policy within their respective ministries only half of their working time. As if this was not bad enough, they usually got the gender equality. Third, all of the GFPs are the lowest level state employees, i.e. they have no tools to effectively promote/enforce the gender policy. They also usually get little support from their superiors (Asklöf, 2003). In fact, while no one would say it openly, some fear that promoting gender equality too vigorously may spell problems for their future careers. Not surprisingly, overwhelming majority of them go with the flow and play the window-dressing game as their respective ministries want them to (see below). In spite of that, some of GFPs are very active and have some impact, but they are the exceptions that confirm the rule<sup>10</sup>.

The last government's body that should be concerned with implementation of gender policies is the Government's Council for Human Rights (CHR), which is responsible for monitoring implementation of the CEDAW. Its Committee on the CEDAW includes representatives of state administration (often GFPs), NGO representatives and a gender expert from academia<sup>11</sup>. However, while the Committee advanced several recommendations to the CHR, some of which were accepted and sent to the government, its overall impact seems also negligible.

No institutional support is available on the regional and municipal level. According to JUDr. Zelenkova, this is because: "(...) these matters fall exclusively within the

<sup>&</sup>lt;sup>8</sup> It is worth pointing out that Jan Jarab, the former Czech Commissioner for Human Rights and a current member of Commissioner Spidla's cabinet, became the record holder showing up only once for a half of the meeting.

<sup>&</sup>lt;sup>9</sup> For example, the Ministry of Regional Development or the Ministry of Foreign Affairs.

<sup>&</sup>lt;sup>10</sup> The GFP in the Ministry of Interior is a good example. With the help of NGO activists, she succeeded in making violence against women one of the talked-about social issues which led to passing of some important pieces of legislation. However, other areas which the Ministry is responsible for remain untouched, e.g. building institutional structures at regional and municipal levels (see below).

<sup>&</sup>lt;sup>11</sup> The expert is the author of this paper who joined the Committee in April 2003.

competence of regions. The government cannot order the regions to do anything in this respect<sup>12</sup>". This statement of the person responsible for the gender equality policy is indeed curious as it suggests that the government cannot pursue its gender equality policies (e.g. by amending laws, allocating resources, etc.).

To sum up, building an institutional structure for implementing the gender policy has been a slow process with less than satisfactory outcomes. The existing structure on the government level is simply not conducive to effective implementation of the gender agenda. No structures are available on the regional and municipal levels. Resources financial, personal and institutional – that the government currently allocates to live up to its commitments are absolutely insufficient.

This was also the conclusion of Swedish experts who participated in the PHARE twinning project (the Czech Republic – Sweden) "Improving the Public Institutional Mechanism for Introducing, Enhancing and Controlling the Promotion of Equal Opportunities for Men and Women". To improve things, they proposed a number of recommendations (Asklöf et al., 2003). Immediately after the experts finished their work, the government announced that: "[T]he institutional and legal arrangements for ensuring equal opportunities for men and women are very good in the Czech Republic," (Summary Report, 2004) and for the first time since 1998, it erased from the *Priorities* its long-term goal to "improve the institutional mechanism to secure equality for men and women".

### **Key policy documents**

The *Priorities* are supposed to spell out strategic goals of the gender policy and detail concrete measures to be implemented. According to the government, they are fashioned on the *Beijing Platform for Action (BPA)* (e.g. Summary Report, 2005), but closer look reveals no clear connection between the outlined seven priority areas and the *BPA*. In fact, three of the BPA's strategic objectives<sup>13</sup> are selectively picked out, but only a handful of suggested actions are pursued. The rest of the BPA's strategic objectives is either totally ignored or they are reduced to the level of action/measure. This happens for example with the arguably most important strategic objective Women in power and decision-making as it is reduced to one single measure (1.2.).

A much more serious implication is that the *Priorities* do not represent a unified policy framework for elimination of gender inequalities (see Pavlik, 2004a, 2007a). This is, no doubt, because they have been drafted by bureaucrats with no gender expertise. As a result, many key areas/problems have been neglected<sup>14</sup>, individual policy measures

 $<sup>^{12}</sup>$  She offered this memorable insight at the meeting of the CEOP on January 18, 2005.

<sup>&</sup>lt;sup>13</sup> Women and health, Violence against women, Women and the economy,

<sup>&</sup>lt;sup>14</sup> For example women and powerty, the girl-child, women and the media, sex industry, equal treatment of gays, lesbians and transgender people.

have been formulated arbitrarily and no gender analyses and/or research enter into the policy-making process.

According to the government, the *Summary Reports* are the basic tool for promoting gender equality in the CR. They are supposed to offer an assessment of the effectiveness of measures to promote the equality principle and evaluation of performance of individual ministries. However, they can be characterized as an incoherent exercise in window-dressing.

First, the authors do not define and use any indicators on the base of which evaluation could be performed. Second, accept for a few vague sentences, they actually do not even attempt to evaluate anything. They simply detail various activities of individual Ministries irrespective of their relevance to the gender policy. Third, they do not provide crucial information (e.g. finances allocated for gender equality, institutional and personnel support).

In other words, the reader is offered empty bureaucratic "newspeak", whole paragraphs are repeated in subsequent reports, and significant effort is expended to cover up the fact that little or nothing has been done with respect to most of the measures. Symptomatically, the measures that are left untouched are the most important ones – women in decision-making, sex segregation of the labor market, wage gap, etc. The process whereby the *Summary Reports* are prepared is also problematic (Pavlik, 2007a).

This sorry state of affairs has prompted experts from the non-governmental sector and academia to elaborate alternative *Shadow Reports on Equal Opportunities and Equal Treatment of Women and Men*. Two were published so far (Pavlik, 2004b, 2007b). The documents offer a critical evaluation of the situation in the various sectors and performance of the government and relevant NGOs. They document that the actual state of matters does not, by far, correspond to the relatively optimistic tone of the government's *Summary Reports*.

Other government's strategic documents such as for example the National Employment Action Plan, the National Innovation Strategy, the National Plan for Support and Integration of Citizens with Physical Disabilities, the State Information and Communication Policy are not gender mainstreamed and gender equality is mentioned only in passing if ever. The National Development Plan and the National Social Integration Policy are exceptions since they contain discussions of equal opportunities and mention gender inequalities throughout. However, neither does explicitly include gender equality among defined goals, strategies or priorities (unlike for example regional development, environmental issues or development of tourist industry). Gender equality is deemed important only with respect to the development of human resources, if at all. In spite of proclamations, gender mainstreaming remains a distant goal.

### The impact of the government's gender equality policy

Considering the above discussion, it comes as no surprise that the government's gender equality policies have not yielded any visible changes of gender arrangements in the CR. All the usual indicators such as women's representation in decision-making, sex segregation of the labor market and education system, wage gap, etc., remain unchanged or show negative developments. Occasional small positive fluctuations could not be attributed to the government's efforts anyway since it does not attempt to address root causes of gender inequalities. It is, for example, revealing that it has yet to adopt a single positive action.

However, some things have changed. The most visible development concerns the legislation which does include a number of provisions pertaining to gender equality today. Nonetheless, it still does not comply with the Acquis and the situation got worse during 2006 (see below). Gender issues also get more coverage in the media. It is, however, mostly because of women NGOs, which strife to put gender equality on the agenda.

A notable progress was made with respect to violence against women, especially domestic violence. The legislation was amended enhancing the protection of the victims of domestic violence and allowing for the eviction of the violator from the household for ten days. The Ministry also carried out a public information campaign and a pilot project involving interdisciplinary teams that joined health care and social and police assistance in uncovering and prosecuting domestic violence.

However, the most important development concerns the access to financial resources from the EU. This is because gender equality is a stated priority of the EU and in theory, financing from the ESF is supposed to be contingent on meeting gender equality requirements (using gender mainstreaming, carrying out gender audits, pursuing gender equality as the horizontal priority). There are also resources specifically earmarked for gender equality in the European Social Fund.

The government's approach has been to finance gender equality efforts almost exclusively from the ESF. In accordance with the EU guidelines, a fraction of the finances was, therefore, allocated for gender equality projects carried out mostly by NGOs. They have been financed primarily within the EQUAL Initiative and the JPD3 grant scheme and they significantly contributed to increased media visibility of gender issues. Their real-life impact is hard to asses, but one can assume that there has been some.

However, it seems that gender equality requirements have been neglected in the rest of the projects financed from the ESF. To begin with, the government elaborated five program documents<sup>15</sup> required for getting the share of the EU money. However, it

<sup>&</sup>lt;sup>15</sup> They are the Common Regional Operation Programme, the Operation Programme Industry and Business, the Operation Programme Infrastructure, the Operation Programme of Human Resources Development and the Operation Programme Agriculture.

specified that only one of them, the Operation Programme of Human Resources Development (OP HRD), is highly relevant with respect to equal opportunities. The rest of the OPs are supposed to have only a "weak linkage" or "no linkage" to equal opportunities (Handbook, 2006). Therefore, recipients of support from these OPs do not have to have any goals oriented to equal opportunities and no indicators of their achievement. They also do not have to perform a gender audit of their respective organizations. In many cases (measures labelled "no linkage"), they do not even have to analyze the impact of their project on equal opportunities. In other words, the government ignores Article 16 of the Council Regulation No. 1083/2006.

Another problem concerns evaluating the gender dimension in project applications and monitoring the performance of individual recipients with respect to pursuing equal opportunities as a horizontal priority. Since there is little gender expertise in the CR to begin with, there are good reasons to assume that gender equality requirements are addressed only formally in the overwhelming majority of project application. Judging from personal experience, the managing authority focuses during monitoring on formal aspects (number of pages of documents, travel expenses etc.). Again, this is not surprising giving the lack of knowledge of gender issues.

What is the Commission's response to such blatant ignoring of its gender equality policy? While it can be argued that such use of the ESF helps reproduce existing gender inequalities in new member-states, we have yet to see any action.

However, the inflow of the EU money has not had only positive effects. The NGOs involved in the EU funded projects are forced to "professionalize" their operations. With the money, there also comes the business culture and requirements and one wonders whether civil society principles have not been compromised.

It also seems that involvement with the EU money brings about new insecurities for the NGOs. Today, some balance on the verge of bankruptcy because the money do not always come in time as not all grant programmes operate on the basis of advance payments. The principle of partnership applied within the EQUAL Initiative can also spell problems. If one NGO defaults on its obligations others can go under as well.

We should also keep in mind that the few gender equality projects mentioned above follow the priorities set by the EU and the Czech government, i.e. they are mostly focused on the labor market. It is, therefore, difficult for NGOs involved with issues like women's representation in the political life to support their activities from the EU money. They have to be very inventive to fit their projects to the set criteria or they have to sacrifice their goals and priorities in order to survive. We have to remember that NGOs in the new member-states are in much more difficult position than those in the old member-states since the donor culture is much less developed.

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#### **Today's situation**

The 2006 parliamentary elections produced a Parliament evenly split between center-left-wing parties (Communists, CSSD) and center-right-wing parties (Civic Democratic Party - ODS<sup>16</sup>, Green Party, Christian Democratic – Czech Socialist Party). It took seven months and "political corruption" of two representatives elected on the CSSD ticket before the stable right-wing government lead by the ODS was confirmed in January 2007. During that time, the CEOP was inactive because all of the appointed Deputy Ministers were sacked. The DEMW and Gender Focal Points also did not show any signs of activity living in the state of uncertainty like the rest of the state bureaucracy.

It is hard to read current situation, but the acting Prime Minister, Mirek Topolanek, sent out a clear message of what things might come in his speech at the opening of European Year of Equal Opportunities for All on April 2, 2007. Along with a number or invectives aimed at the EU, he asserted:

In the case of women – who are not, in my view, a disadvantaged minority, but people usually consider them to be – we also cannot speak of equal opportunities. Pregnancy and maternity are a women's privilege and this privilege makes them a priory different from men, for example in the labor market. It is natural, it is logical, it is healthy.

Woman is free to decide not to have children and then, I am convinced, she has the same opportunities as man has. The law should take account of this and it should not force on women protection, which they do not care for and which paradoxically leads to their discrimination.

If woman decides to dedicate herself to the role that nature entrusted her with she does not need for the law to try to make her equal with man.

While activists in the audience started to whistle and boo, the word was out that gender equality would not be exactly a priority of the new government.

Meanwhile, the new Minister of Labor and Social Affairs, Petr Necas (ODS), moved the DEMW to the Department of Family Policy and Equality of Women and Men. No attempt has been made yet to activate the CEOP, but according to some sources, the power-wielding members of the government (i.e. those from ODS) contemplate moving it from the MLSA to the portfolio of the Minister without Portfolio, Dzamila Stehlikova (Green Party). According to others sources, the plan is to dissolve it. Either way, it seems that its role will be weakened.

Another adverse development concerns the legislation. The new Labor Code that replaced the old law into which gender equality provisions had been incorporated during the pre-accession process refers in these matters to the Antidiscrimination Law (AL). The AL which was supposed to come to force before the Labor Code, the previous

<sup>&</sup>lt;sup>16</sup> Občanská demokratická strana – ODS.

government failed to get the AL passed by the Parliament. Therefore, the Labor Code does not protect against discrimination based on sex.

The AL was also supposed to ensure compliance with the Directive 2006/54/ES with respect to creating a gender equality body for the promotion, analysis, monitoring and support of equal treatment of all persons without discrimination on grounds of sex. The CR is, therefore, currently in violation of the Acquis.

Overall, it seems that the new government will not be a champion of gender equality. According to some insider sources, the 2007 *Summary Report* might be the last one to be elaborated. There are also speculations that the next step might be the elimination of the DEMW.

True, not everybody would agree with this rather skeptical assessment. Those less acquainted with Czech politics might point out that there is one member of the governing coalition that has gender equality in its program – Green Party. But the Czech version of the green politics is a rather curious one. As some say referring to official color of ODS (blue), it is more like turquoise color. With respect to the social policy, Green Party representatives yield to the ODS's neoliberal agenda. As far as gender equality is concerned, their record is pathetic. It is basically limited to having quotas on some party positions and equal number of male and female ministers. Even the Minister without Portfolio who is supposed to be responsible for the human rights agenda does not seem to have a clue<sup>17</sup>. But it is too early to tell.

### In conclusion

Based on the available evidence, I can conclude that the Czech government fails short of its international (and national) obligations as it does not seriously strive to promote gender equality or to rectify existing gender inequalities. It does little, its approach is formalistic and its actions are mostly about window-dressing.

However, while the successive Czech governments bear the brunt of responsibility, the role of the EU can not be overlooked. It seems to do little to make new member-states to respect its basic principles and directives. In fact, one could argue that some of the EU activities, such as the use of the EU Structural Funds as the main instruments for supporting social and economic restructuring across the EU, actually help reproduce existing gender inequalities in the new member-states. In turn, it seems that representatives of the new member-states in the EU administration and the Parliament have helped to shift the balance of power and attention from the issues like gender equality towards the free-market (neoliberal) agenda.

<sup>&</sup>lt;sup>17</sup> Her priority is the Roma question.

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